

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MALIBU MEDIA, LLC,
Plaintiff,

v.

JOHN DOE subscriber assigned IP address
68.80.166.38
Defendant

CIVIL ACTION

NO. 13-7570

FILED

APR 28 2014

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 28th day of April 2014, upon consideration of Plaintiff's Motion for Extension of Time Within Which to Effectuate Service on John Doe Defendants, (Doc. No. 6) it is hereby **ORDERED** that the Motion is **DENIED without prejudice**.¹ If Plaintiff does not renew its Motion within **14 days** of the entry of this Order, this case will be dismissed for failure to serve process timely.

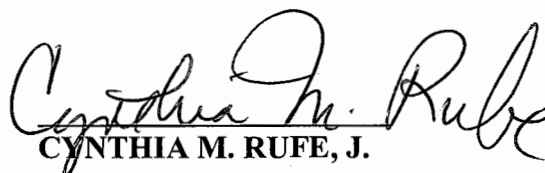
IT IS SO ORDERED.

ENTERED

APR 29 2014

CLERK OF COURT

BY THE COURT:


CYNTHIA M. RUFÉ, J.

¹ Fed. R. Civ. P. 4(m) provides that on a showing of good cause, the Court must extend the time to serve; absent good cause, a court may extend the time to serve. *Henderson v. United States*, 517 U.S. 654, 662–63 & n.10 (1996); *Petrucelli v. Bohringer & Ratzinger*, 46 F.3d 1298, 1305 (3d Cir. 1995). In this case, the time to serve Defendant expired on April 23, 2014. Plaintiff moved to extend time on the day the time to serve expired and stated that it is “in the process of amending its Complaint to name the Defendant.” Doc. No. 6 at ¶ 3. The next day, Plaintiff filed an Amended Complaint. Doc. No. 7. But Plaintiff knew Defendant’s name on February 25, 2014, *id.* at ¶ 2, and its Amended Complaint is virtually identical to its original Complaint, except the Defendant’s true name and address have been substituted for John Doe and the information about the likelihood that Defendant resides in this District. Plaintiff has given no cause, let alone good cause, for the delay in amending the Complaint between February 25, 2014, and April 24, 2014. Therefore, the Court is not obligated to extend the time to serve. And the Court cannot evaluate whether it is proper to exercise its discretion to extend time without any argument from Plaintiff that this Court should do so.